

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI

IN RE:

James Stanley Panus,

Debtor.

)  
)  
)  
)

Case No. 15-40751-abf13

**MOTION TO APPROVE TRIAL HOME MORTGAGE MODIFICATION AND SHORTEN NOTICE**

COMES NOW Debtor, James Stanley Panus, by and through his attorney, Tracy L. Robinson, and for his Motion states as follows:

1. Debtor filed his Chapter 13 case on March 19, 2015.
2. Debtor has a mortgage with Specialized Loan Servicing LLC ("SLS").
3. Debtor and SLS have entered into a trial mortgage modification.
4. Per the terms of the trial mortgage modification, the mortgage payment will be \$2,510.50 for the months of October, November, and December 2015. Thereafter, these payments will revert to the contract payment absent other agreement with the mortgagee and continue until further order of court.
5. Debtors request permission to enter into this trial loan modification.
6. The claim in favor of SLS shall be paid in the following manner (check one):
  - ☒ Debtor further requests permission to make their on-going mortgage payments to SLS directly beginning with the payment in September 2015.
  - ☐ Debtor further request the mortgage payment to be paid through the plan be changed to \$\_\_\_\_\_ due to the permanent loan modification. This mortgage payment is effective with the \_\_\_\_\_, 2015, mortgage payment. The trustee will set up the first monthly modified on-going mortgage payment as a Post-Petition Loan Modification Amount (PLMA) be paid pro-rata over the life of the case with a 5% increase, on that payment only, to account for any late fees.
7. Debtor further requests this court order the trustee to stop all disbursement on the on-going mortgage claim if the debtor now is paying it directly. Further, the trustee shall stop all disbursement on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, and the initial post-petition amount (IPA) claim.
8. Debtor further requests the plan payment be changed to \$600.00 due to the mortgage being paid directly. This new plan payment is effective as of September 2015. This new plan payment will continue until further order of court.

9. Debtor will provide the trustee with a copy of the final loan modification. If no final loan modification is provided to the trustee within six (6) months of this motion, the Debtors understands the plan will be amended, upon motion of the trustee, to pay the mortgage through the plan pursuant to Local Rule 3094-1C.
10. Debtor requests this Honorable Court schedule the matter on the next available docket, or in the alternative, grant Debtor's request without a hearing after the expiration of the notice period.

WHEREFORE, Debtor requests this Honorable Court enter an Order allowing debtor to enter into a trial loan modification with Specialized Loan Servicing LLC ("SLS") and pay the mortgage directly with the September 2015 payment as specified in Paragraph 6 above. Further, debtor requests an Order directing the trustee to stop all disbursements on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, the initial post-petition amount (IPA) claim, and the on-going mortgage claim as the debtor now is paying it directly during the trial period. If applicable, the plan payment shall be and changed to \$600.00 effective September 2015.

Respectfully Submitted,

/s/ Tracy L. Robinson  
Tracy L. Robinson #36691  
1125 Grand Blvd., Suite 1300  
Kansas City, MO 64106  
Phone: (816) 842-1317  
Fax: (816) 842-0315  
Email: [admin@tlrlaw.com](mailto:admin@tlrlaw.com)  
Attorney for the Debtor

#### **NOTICE OF MOTION**

Any party with an objection is directed to file a Response to the motion within seven (7) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. Information about electronic filing can be found on the Court website at [www.mow.uscourts.gov](http://www.mow.uscourts.gov). Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all interested parties by the Court. If no response is filed within seven (7) days, the Court will enter an order granting the motion.

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the parties notified by the US Bankruptcy Court's electronic notification system upon filing. The undersigned further certifies that a true and correct copy of the foregoing has been uploaded to BK Attorney Services for service on all other parties in interest. The undersigned further states that he will file a Certificate of Service stating the exact date of service, as well as the parties served by U.S. First Class Mail, postage prepaid, within three (3) business days.

/s/ Tracy L. Robinson  
Tracy L. Robinson #36691